



Atty. Dkt. No. SALK2270-4  
(088802-5211)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ronald M. Evans

Title: XENOBIOTIC COMPOUND  
MODULATED EXPRESSION  
SYSTEMS AND USES THEREFOR

Appl. No.: 09/840,008 ✓

Filing Date: 04/20/2001

Examiner: Not assigned

Art Unit: 1632

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.  <u>Stephen E. Reiter</u> (Printed Name)  <u>[Signature]</u> (Signature)  <u>10/22/01</u> (Date of Deposit)
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**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231  
Box Missing Parts

Sir:

In response to the Notice to File Missing Parts of Application mailed on August 22, 2001, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

1. Declaration and Power of Attorney.
2. Copy of Notice to File Missing Parts (Part 2 of Form PTO-1533).
3. Check in the amount of \$615.00; \$65.00 to cover the required surcharge fee under 37 C.F.R. § 1.16(e) and \$550.00 to cover the required filing fee.
4. Request to Rescind Previous Nonpublication Request 35 U.S.C. 122(b)(2)(B)(ii).
5. Other: Return Postcard.

The filing fee has been calculated as shown below

In re application of  
Ronald M. Evans  
Application No.: 09/840,008  
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	Claims as filed <sup>1</sup>	Included in Basic Fee	Extra Claims	Large Entity Rate	Small Entity Rate	Fee Totals
Total Claims	26	20	6	x \$18.00	x \$9.00	\$54.00
Independent Claims	6	3	3	x \$84.00	x \$42.00	\$126.00
Multiple Claims				\$280.00	\$140.00	\$0.00
Basic Filing Fee				\$740.00	\$370.00	\$370.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee.				\$130.00	\$65.00	\$65.00
					TOTAL FEE	\$615.00

[ ] Please charge Deposit Account No. 50-0872 in the amount of \_\_\_ in  
payment of surcharge fee (37 C.F.R. § 1.16(e))

Enclosed is a check in the amount of \$615.00 to cover the cost of the filing fee.  
The Commissioner is hereby authorized to charge any additional fees which may be  
required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any  
overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed  
herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise  
improper or informal or even entirely missing, the Commissioner is authorized to charge  
the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date: 10/22/01

By 

FOLEY & LARDNER  
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Stephen E. Reiter  
Attorney for Applicant  
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**RECEIVED**

AUG 27 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/840,008	04/20/2001	Ronald M. Evans	SALK2270-4

STEPHEN E. REITER  
FOLEY & LARDNER  
23rd Floor  
402 W. Broadway  
San Diego, CA 92101



CONFIRMATION NO. 3075

## FORMALITIES LETTER



\*OC000000006461764\*

#3

Date Mailed: 08/22/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/09/2002 HMARZ11 00000044 09840008

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:203	54.00 OP
03 FC:202	126.00 OP
04 FC:205	65.00 OP

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$174.
  - \$54 for 6 total claims over 20.
  - \$120 for 3 independent claims over 3.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 594.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention

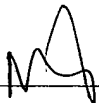
is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*



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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE